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10/672,648	09/26/2003	Jeyhan Karaoguz	15032US02	8226

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,648

Applicant(s)

KARAOGUZ ET AL.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on September 4, 2007.

Claims 15-35 have been cancelled.

Claims 1 and 36 have been amended.

Claims 1-14 and 36-49 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-5, 7, 9, 12, 14, 36, 39-40, 42, 44, 47, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Hino (7237029).

Regarding claims 1 and 36, Hino teaches a method to indirectly control at least one media peripheral via a communication network, the method comprising:

identifying (Column 8, lines 1 – 4) by a first system, at a first location (Column 7, lines 1 – 6, the control device), the at least one media peripheral (Column 6, lines 65 – 67, the home appliance) communicatively coupled to a second system, at a second location (Column 6, lines 41 – 51, the gateway (GW) apparatus);

automatically establishing a communication link between the first system and the at least one media peripheral (Column 8, lines 12 – 14; lines 22 – 25);

selecting, at the first location, an operation of the at least one media peripheral (Column 8, lines 4 – 11);

requesting performance of the selected operation on the at least one media peripheral (Column 8, lines 12 – 15);

automatically determining authorization of the performance of the selected operation (Column 19, lines 4 – 10; lines 21 – 22);

performing the selected operation on the at least one media peripheral if the authorization is successful (Column 8, lines 22 – 25); and

not performing the selected operation on the at least one media peripheral if the authorization is not successful (Column 8, lines 20 – 22).

Regarding claims 4 and 39, Hino teaches the method of claims 1 and 36 wherein the communication link is established via a wired or a wireless connection (Column 9, lines 8 – 10).

Regarding claims 5 and 40, Hino teaches the method of claims 1 and 36; wherein the operation comprises one of: powering said media peripheral on or off; scanning said media peripheral in angle about at least one axis of rotation; transferring stored media from the media peripheral to the first system; transferring stored media from the first system to the media peripheral; transferring software from the first system to the media peripheral; transferring status information from the media peripheral to the first system; initiating a test of the media peripheral; initiating a trick mode of the media

peripheral; determining whether the media peripheral is within communication range of the second system; putting the media peripheral into a sleep state; and changing a parameter of the media peripheral (Column 9, lines 17 – 18).

Regarding claims 7 and 42, Hino teaches the method of claims 1 and 36, wherein at least one of the first system and the second system comprises a personal computer based media processing system (Column 9, lines 8 – 10).

Regarding claims 9 and 44, Hino teaches the method of claims 1 and 36 wherein the first system comprises a server of a media provider (Column 9, lines 8 – 10).

Regarding claims 12 and 47, Hino teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated by the first system (Column 15, lines 25 – 31).

Regarding claims 14 and 49, Hino teaches the method of claims 1 and 36 wherein the establishing the communication link is initiated via a web site (Column 12, lines 21 – 24; lines 30 – 44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 8, 37-38, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Krzyzanowski (2004/0003051).

Regarding claims 2 and 37, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyzanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Regarding claims 3 and 38, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes a media peripheral that comprises a processor running at least one of media capture

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software and media player software (Abstract, the MP3 player and Figure 1, element 108, the camera).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Regarding claims 8 and 43, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a television based media processing system.

Krzyzanowski teaches a home appliance gateway (Paragraph 34) that includes the ability to control and transmit video, like baby monitors, security cameras, and television signals (Paragraph 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increase the home appliances that the gateway to monitor in Hino to include the many other devices controlled in Krzyanowski in order to expand the variety of devices that can be remotely controlled in Hino.

Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Eytchison (6363434).

Regarding claims 6 and 41, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein at least one of the first system and the second system comprises a set-top-box based media processing system.

Eytchison teaches a gateway that can control a plurality of home appliances, wherein the gateway can be a set-top-box (Column 4, lines 32 – 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Eytchison's teaching of a home server being a set-top-box in Hino's system in order to allow the gateway to be more convenient and available to a home residence.

Claims 10 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Park (6580149).

Regarding claims 10 and 45, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein the first system comprises a server of a service provider.

Park teaches a system for controlling home appliances (Abstract) that includes sending a command to a service provider, which in response establishes a link to the home appliance (Column 3, lines 27 – 37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Park's teaching of providing the commands through a service provider in order to allow connection through an easy to find webpage.

Claims 13 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Ito (6510212).

Regarding claims 13 and 48, Hino teaches the method of claims 1 and 32.

Hino does not explicitly indicate wherein the establishing the communication link is initiated via a telephone call.

Ito teaches an appliance controlling system (Abstract) that establishes the connection using a telephone call (Figure 9, element 401 and 402).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ito's teaching of the phone call in Hino's system in order to allow a connection to be initiated through the phone lines instead of through the internet.

Claims 11 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Daum (6665384).

Regarding claims 11 and 46, Hino teaches the method of claims 1 and 36.

Hino does not explicitly indicate wherein the first system comprises a server of a peripheral manufacturer.

Daum teaches a remote control of appliances that includes the controlling party being the manufacturer (Column 2, lines 25 – 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daum's teaching of allowing the manufacturer to control the devices in Hino, in order to take advantage of any support and monitoring the manufacturing provides for home items.

Response to Arguments

Applicant's arguments filed September 4, 2007 have been fully considered but they are not persuasive. The applicant argues that the Hino reference does not disclose automatically establishing a communication link between the first system and the peripheral.

Regarding the idea that Hino does not disclose automatically establishing a communication link between the first system and the peripheral, the applicant argues that since there is a command inputted from a user there is no way the connection between the peripheral and control device is automatically performed. The examiner disagrees, looking at the text of the claim, there is no explicit limitation stating that there is a command automatically sent to establish the connection. The claim only states that the connection between the first system and the peripheral is automatically established. Automatically establishing a connection is a very broad concept and when read with the broadest possible interpretation it only indicates that the actual establishing of the connection between the control device and the controlled device is being automated. In Hino the command only goes to the GW apparatus and the GW apparatus performs all the automated processes between the control device and the home appliances (Column 6, lines 48 – 51). So in Hino, in response to a command received by control device at the GW apparatus, the GW apparatus automatically establishes a command between the control device and the home appliance (Column 8, lines 1 – 25).


Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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02 TBT

Kevin Bates
October 5, 2007